

No. 9/8/86-6Lab/3579.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Faridabad, in respect of the dispute between the workman and the management of M/s S. G. Steel Pvt. Ltd., Plot No. 6, Sector-4, Ballabgarh:—

IN THE COURT OF SHRI R. N. SINGAL, PRESIDING OFFICER, LABOUR COURT,
FARIDABAD

Reference No. 332 of 1984

between

SHRI TUKKAR YADAV, AND THE MANAGEMENT OF M/S S. G. STEEL PVT. LTD.,
PLOT NO. 6, SECTOR-4, BALLABGARH

Present:

Shri Manohar Lal for the workman.

Shri A. K. Sharma for the respondent-management.

AWARD

This industrial dispute between the workman Shri Tukkar Yadav and the respondent-management of M/s. S. G. Steel Pvt. Ltd., Plot No. 6, Sector 4, Ballabgarh has been referred to this Court by the Hon'ble Governor of Haryana,—vide his order No. ID/FD/45-84/31941,46, dated 28th August, 1984, under section 10 (i) (c) of the Industrial Disputes Act, 1947, for adjudication. The terms of the reference are :—

Whether the termination of service of Shri Tukkar Yadav was justified and in order? If not, to what relief is he entitled?

The parties have settled their dispute. According to the statement of representatives of parties, the workman has settled his dispute. Photo copy of the settlement is Ex. M-1. He has received Rs. 4,9,00.00 in full and final settlement of all his claims. Photo copy of the receipt is Ex. M-2. He has no right of reinstatement/re-employment with the management.

In view of the above settlement, the award is given that the dispute has been fully settled.
The 21st March, 1986

R. N. SINGAL,
Presiding Officer,
Labour Court, Faridabad.

Endst. No. 967, dated the 11th April, 1986.

Forwarded (four copies) to the Commissioner and Secretary to Government, Haryana, Labour and Employment Department, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

R. N. SINGAL,
Presiding Officer,
Labour Court,
Faridabad.

No. 9/8/86-6Lab./3580.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Faridabad, in respect of the dispute between the workman and the management of M/s S. G. Steel Pvt. Ltd., Sector 4, Ballabgarh:—

IN THE COURT OF SHRI R. N. SINGAL, PRESIDING OFFICER, LABOUR COURT,
FARIDABAD

Reference No. 346 of 1984

between

SHRI TEK CHAND, WORKMAN AND THE RESPONDENT-MANAGEMENT OF M/S
S. G. STEEL PVT. LTD., SECTOR 4, BALLABGARH

Present.—

Shri Manohar Lal, for the workman.

Shri A. K. Sharma, for the respondent-management.

AWARD

This industrial dispute between the workman Shri Tek Chand and the respondent-management of M/s S. G. Steel Pvt. Ltd., Sector 4, Ballabgarh has been referred to this Court by the Hon'ble Governor of Haryana,—*vide* his order No. ID/FD/45-84/32039—44, dated 28th August, 1986 under section 10(1)(c) of the Industrial Disputes Act, 1947 for adjudication. The terms of the reference are :—

Whether the termination of services of Shri Tek Chand was justified and in order? If not, to what relief is he entitled?

The parties have settled their dispute. According to the statement of representative of parties, the workman has settled his dispute. Phot. copy of the settlement is Ex. M-1. He has received Rs. 5,300.00 in full and final settlement of all his claims. Photo copy of the receipt is Ex. M-2. He has no right of reinstatement/re-employment with the management.

In view of the above settlement, the award is given that the dispute has been fully settled.

Dated the 24th March, 1986.

R. N. SINGAL,
Presiding Officer,
Labour Court, Faridabad.

Endorsement No. 968, dated the 11th April, 1986.

Forwarded (four copies), to the Commissioner and Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

R. N. SINGAL,
Presiding Officer,
Labour Court, Faridabad.

No. 9/8/86-6Lab./3581.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Faridabad, in respect of the dispute between the workman and the management of M/s Vikrant Tool Engg., Mathura Road, Faridabad:—

IN THE COURT OF SHRI R. N. SINGAL, PRESIDING OFFICER, LABOUR COURT,
FARIDABAD

Reference No. 548 of 1985

between

SHRI OM PARKASH, WORKMAN AND THE RESPONDENT-MANAGEMENT OF
M/S VIKRANT TOOL ENGG., MATHURA ROAD, FARIDABAD

Present.—

Workman with Shri G. R. Arya.

None for the respondent-management.

AWARD

This industrial dispute between the workman Shri Om Parkash and the respondent-management of M/s Vikrant Tool Engg., Mathura Road, Faridabad has been referred to this Court by the Hon'ble Governor of Haryana,—*vide* his order No. ID/FD/37133—38, dated 10th September, 1985 under section 10(1)(c) of the Industrial Disputes Act, 1947 for adjudication. The terms of the reference are :—

Whether the termination of services of Shri Om Parkash, was justified and in order? If not, to what relief is he entitled?

The management was proceeded *ex parte* on 21st November, 1985 as none appeared inspite of the fact that summonas were sent through registered cover and also through UPC. •

According to the demand notice, the workman was employed with the management since 1983. His services were terminated illegally on 6th June, 1985. In *ex parte* evidence the workman appeared as WW-1 and has supported his contentions. He has stated that he was terminated illegally. He was not paid any compensation as required under Section 25-F of the Industrial Disputes Act. There is no rebuttal of this evidence. There is no reason to disbelieve him. I, therefore, find that the order of termination of services was illegal and unjustified as the mandatory provisions of Section 25-F of the Industrial Disputes Act were not complied with. He is, therefore, entitled to be reinstated with continuity of service and with full back wages. He is also entitled to Rs. 300 as costs of the proceedings.

Dated, the 24th March, 1986.

R. N. SINGAL,

Presiding Officer,
Labour Court, Faridabad.

Endorsement No. 969, dated 11th April, 1986.

Forwarded (four copies), to the Commissioner and Secretary to Government, Haryana, Labour and Employment Department, Chandigarh, as required under section 15 of the Industrial Disputes Act.

R. N. SINGAL,

Presiding Officer,
Labour Court, Faridabad.

No. 9/8/86-6Lab./3582.—In pursuance of the provisions of Section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Faridabad in respect of the dispute between the Workman and the management of The State Transport Controller, Haryana, Chandigarh, (ii) General Manager, Central Body Building Workshop, Gurgaon.

IN THE COURT OF SHRI R.N. SINGAL, PRESIDING OFFICER, LABOUR COURT,
FARIDABAD

Reference No. 1 of 1986

between

SHRI RAMESH CHAND, WORKMAN AND THE RESPONDENT-MANAGEMENT OF THE
STATE TRANSPORT CONTROLLER, HARYANA, CHANDIGARH.
(II) GENERAL MANAGER, CENTRAL BODY BUILDING WORKSHOP, GURGAON.

Present:—

None for the parties

AWARD

This industrial dispute between the workman Shri Ramesh Chand and the respondent-management of The State Transport Controller, Haryana, Chandigarh (ii) General Manager, Central Body Building Workshop, Gurgaon, has been referred to this Court by the Hon'ble Governor of Haryana, vide his order No. 1D/GGN/77-85/47-53, dated 1st January, 1986 under section 10 (1) (c) of the Industrial Disputes Act, 1947 for adjudication. The terms of the reference are:—

Whether the termination of services of Shri Ramesh Chand was justified and in order? If not, to what relief is he entitled?

Present none for the parties. Shri S. K. Goswami has been called. He does not want to appear for the workman. It is stated that the workman has already joined the duty. It shows that the workman is not interested to pursue this reference. Hence the award is given that no dispute is pending between the parties.

R. N. SINGAL,

Dated the 13th March, 1986.

Presiding Officer,
Labour Court,
Faridabad.

Endst. No. 970, dated the 11th April, 1986.

Forwarded (four copies), to the Commissioner & Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under Section 15 of the Industrial Disputes Act, 1947.

R. N. SINGAL,

Presiding Officer,
Labour Court,
Faridabad.

The 21st May, 1986

No. 9/8/86-6Lab./3692.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Faridabad, in respect of the dispute between the workman and the management of the Xen, Haryana State Minor Irrigation Tubewell Corporation, Faridabad:—

IN THE COURT OF SHRI R.N. SINGAL, PRESIDING OFFICER, LABOUR COURT,
FARIDABAD

Reference No. 366 of 1983

between

SHRI VIKRAM SINGH, WORKMAN AND THE RESPONDENT-MANAGEMENT OF
THE XEN., HARYANA STATE MINOR IRRIGATION TUBEWELL CORPORATION,
FARIDABAD

Present—

Shri S. S. Gupta, for the workman.

Shri G. S. Chaudhary, for the respondent-management.

AWARD

This industrial dispute between the workman Shri Vikram Singh and the respondent-management of the Xen., Haryana State Minor Irrigation Tubewell Corporation, Faridabad, has been referred to this Court by the Hon'ble Governor of Haryana,—vide his order No. ID/FD/55972—77, dated 14th October, 1983 under Section 10(1)(c) of the Industrial Disputes Act, 1947, for adjudication. The terms of the reference are:—

Whether the termination of services of Shri Vikram Singh was justified and in order? If not, to what relief is he entitled?

According to the demand notice, the workman was appointed in November, 1980 and his services were illegally terminated on 13th April, 1982, which the workman received on 30th April, 1982. He has claimed for reinstatement with continuity of service and with full back wages.

This claim has been contested by the management. It is contended that the reference is bad in law because the respondent-management does not come under the provisions of industry. It is further contended that the claimant was appointed from 16th October, 1981 as T/Mate on purely temporary basis. This post was created for Rabi Crops. Hence his termination is quite legal and according to law. Hence his termination is simpliciter, legal and valid.

In the rejoinder these contentions of the management have been denied. The parties contested the reference on the following issues:—

(1) Whether the respondent is not an industry?

(2) As per reference?

I have heard the representatives of both the parties and gone through the evidence on record. My findings seriatim is as follows:—

Issue No. 1:—

The representative of the management has relied upon the judgement of Hon'ble Punjab and Haryana High Court in State of Punjab vs. Kuldip Singh, 1983-LIC Page 83 and Om Parkash vs. Xen, 1984

LIC page 1165 and has stated that the respondent is department of the Government and is working at no profit no loss basis. It supplies water to the farmers. It discharges sovereign functions. The first ruling was given in the case of PWD Department. It is held that the PWD department is performing sovereign functions. Second ruling is given that Irrigation Department is performing sovereign functions. Hence they are not industry. In the present case, the respondent is not a department of the Government. It is a corporation of the Government. Hence the corporation is not performing sovereign act. It is not necessary that industry must earn profit. It is sufficient if the undertaking is rendering services. So in my opinion it is covered under the definition of industry under 2-J of the Industrial Disputes Act. This issue is decided against the management.

Issue No. 2 :—

The contention of the management is that the workman worked from 16th October, 1981 to 30th April, 1982 and hence he has not completed 240 days of service and his services could be terminated at any time. According to MW-1, the workman was appointed from 1st December, 1980 to 7th April, 1981. He was again appointed on 1st May, 1981 to 31st May, 1981 and then finally he was appointed from 10th October, 1981 to 30th April, 1982. They have further stated that the workman had not completed 240 days of service within last one year. Whereas these facts have been denied by the workman. The first one year started from 1st May, 1981 to 31st May, 1981. According to MW-1 he worked for only 31 days and for 196 days from 16th October, 1981 to 30th April, 1982. In this way he had worked only for 228 days. These contentions of the witness has been falsified from the attendance register Ex. M-1. From this register it is made out that the workman had also worked in June, 1981, July, 1981, and August, 1981. All the entries in this attendance register have been signed and stamped by the same S.D.O. who has signed the voucher of wages Ex. M-2 and M-3. Sufficient opportunity was given to the management to give evidence in rebuttal of this attendance register, but the management has not produced any evidence denying the correctness of the attendance register. It is, therefore, clear that the workman has also worked in June, July and August, 1981. If this period is counted he had certainly worked for more than 240 days within the last one year, when his services were terminated on 30th April, 1982. Hence his services could not be terminated without complying with mandatory provisions of Section 25-F of the Industrial Disputes Act. Hence termination of services of the workman were illegal and unjustified. He is, therefore, entitled to be reinstated with continuity of service and with full back wages.

Dated the 19th March, 1986.

R. N. SINGAL,

Presiding Officer,
Labour Court, Faridabad.

Endorsement No. 993, dated 16th April, 1986.

Forwarded (four copies), to the Commissioner and Secretary to Government, Haryana, Labour and Employment Department, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

R. N. SINGAL,

Presiding Officer,
Labour Court, Faridabad.

No. 9/8/86-6Lab./3693.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Faridabad in respect of the dispute between the workman and the management of (i) State Transport Controller, Haryana, Chandigarh (ii) Haryana Roadways, Faridabad.—

IN THE COURT OF SHRI R. N. SINGAL, PRESIDING OFFICER,
LABOUR COURT, FARIDABAD

Reference No. 255 of 1985

between

SHRI RAM SHANKAR, WORKMAN AND THE RESPONDENT-MANAGEMENT OF
STATE TRANSPORT CONTROLLER HARYANA, CHANDIGARH
(II) HARYANA ROADWAYS, FARIDABAD

Present:—

Shri Bhim Singh Yadav for the workman.

Shri K. L. Piplani for the respondent-management.

AWARD

This industrial dispute between the workman Shri Ram Shankar and the respondent-management of State Transport Controller, Haryana, Chandigarh, (ii) Haryana Roadways, Faridabad has been referred to this Court by the Hon'ble Governor of Haryana,—vide his order No. ID/FD/100-83/16864—70, dated 18th April, 1985, under Section 10 (1) (c) of the Industrial Disputes Act, 1947 for adjudication. The terms of the reference are:—

Whether the termination of services of Shri Ram Shankar was justified and in order? If not to what relief is he entitled?

The claimant was employed with the respondent-management on 1st February, 1982 as driver and his services were terminated on 24th March, 1983. He has claimed reinstatement with continuity of service and with full back wages.

The management has contested this claim of the claimant. It is contended that the workman was employed on 1st February, 1982 and his services were terminated on 22nd March, 1982 as no longer required in terms of his appointment. He was again appointed,—vide order, dated 26th August, 1982 on temporary basis and his services were terminated on 24th March, 1983 as no longer required. In this way he worked from 1st February, 1982 to 22nd March, 1982 and again from 26th August, 1982 to 24th March, 1983. It is denied that he worked continuously from 1st February, 1982 to 25th March, 1983. Hence the order of termination, dated 28th March, 1983 is claimed to be valid.

Rejoinder has been filed. The reference was contested on the following issues:—

1. AS PER REFERENCE?

I have heard the representatives of both the parties and gone through the evidence on record. My findings on the issue are as under:—

Issue No. 1:—

The workman has appeared as WW-1 and has stated that he continuously remained in employment from 1st February, 1982 to 24th March, 1983 and his services were terminated illegally and junior persons were working with the respondent.

As against this evidence the management has examined Shri Vinod Kumar. He has stated that the workman was appointed on 1st February, 1982,—vide appointment letter, dated 1st February, 1982 which is Ex. M-1. He was dismissed from service on 22nd March, 1982,—vide letter Ex. M-2. He was again appointed on 26th August, 1982,—vide appointment letter Ex. M-3 and his services were terminated on 24th March, 1983. It is further contended that from 26th August, 1982 to 24th March, 1983, the workman has not completed 240 days of service. Attendance register for the intervening period has not been produced. It is stated that it is missing. Evidence has not been produced that he has received the appointment upto 24th March, 1983. Reliance has been placed on the termination letter Ex. M-2 that his services were discontinued on 24th March, 1982. This letter does not bear the signatures of the workman. It cannot be said that it was complied with. Reliance has also been placed on the letter dated 26th August, 1982. It is stated that,—vide this letter he was again employed on 26th August, 1982 but the signature of the workman were not obtained. Hence it cannot be said that he was again appointed. As against this evidence, the workman has relied upon the letter of the management, dated 1st May, 1982 which is Ex. W-7. Vide this letter the management has asked the claimant to submit his character verification report. There is no necessity of writing this letter to the workman if he was not in the service of the management. The management has withheld the important documentary evidence that his services remained discontinued from 22nd March, 1983 to 16th August, 1982. Whereas the statement of the workman and the letter Ex. M-7 give some proof that he was on duty during this period. I, therefore find that he was continuously in the service of the respondent from 1st February, 1982 to 24th March, 1982. He has completed more than 240 days of service when his services were terminated on 24th March, 1983. Admittedly the provisions of section 25-F of the Industrial Disputes Act, 1947 were not complied with. Hence the order of terminating his services was illegal and unjustified. He is therefore, entitled to be reinstated with continuity of service and with full back wages.

The award is given accordingly.

Dated the 23rd March, 1986.

R. N. SINGAL,
Presiding Officer,
Labour Court, Faridabad.

Endst. No. 994, dated 16th April, 1986

Forwarded (four copies), to the Commissioner and Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the I. D. Act.

R. N. SINGAL,
Presiding Officer,
Labour Court, Faridabad.